REMARKS

Applicant respectfully requests reconsideration of this application as amended.

As a preliminary matter, in the Office Action mailed July 16, 2003, the Examiner did not attach an initialed copy of the PTO-1449 form references that were mailed to the PTO on June 16, 2000. As such, applicant respectfully requests that the Examiner indicate that these references have been considered and made of record.

Office Action Rejections Summary

Claims 1, 3-10, 12-15, 17-57, and 68-90 have been rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,173,317 of Chaddha ("Chaddha").

Claim 16 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Chaddha.

Claims 58-61 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Chaddha in view of U.S. Patent No. 5,512,935 of Majeti ("Majeti").

Claims 2, 11, 62-67 and 91 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Chaddha in view of U.S. Patent No. 5,991,799 of Yen ("Yen").

Status of Claims

In a supplemental preliminary amendment of 8/9/00, claims 68-98 were added. The Office Action only lists claims 1-91 as pending. Applicants submit that they have not canceled claims 92-98. Therefore, applicants submit that claims 92-98 are still pending and respectfully request their examination.

As such, applicants submit that claims 1-20 and 47-98 remain pending in the application. All the pending claims are provided above. Claims 1, 9 and 10 have been amended to clarify that such claims are not to considered as falling under 35 U.S.C. Section 112, paragraph 6. Claims 87 and 88 have been amended to correct for

typographical errors. The amended claims are supported by the specification. No claims

have been added in this amendment. No new matter has been added. No claims have

been canceled in this amendment.

Claim Rejections

Claims 1 and 3-8 have been rejected under 35 U.S.C. §102(e) as being anticipated

by Chaddha. Applicants submit that claim 1 is patentable over the cited reference.

Claim 1 recites:

> A method for providing a video display image, comprising:
>> receiving a video data stream and an associated data stream corresponding
> to the video data stream;
>> displaying a video image defined by the video data stream on a display
> device and performing an interactive command function **specified by the
> associated data stream**.

(emphasis added)

The Office Action states:

> Regarding claims 1, 9, Chaddha discloses in figures 9 and 10A, a
> device 240 which receives both a video stream and **an annotation stream
> associated with the video**, a video images is displayed on a display device
> and associated web content is retrieved for display with the video (column
> 7, line 15-column 9, line 30), **VCR like control** buttons 620 and a table of
> contents window 630, which are selectable and change the display of the
> video and associated content (column 6, lines 22-34).

(Office Action, 7/16/03, p. 2)(emphasis added)

Applicants disagree with the Office Action's characterization of Chaddha.

Applicants respectfully submit that the VCR functions are not provided for by the

annotation stream as purported by the Office Action. Rather, the VCR functions are

provided for by a viewer 249 that is generated by a designer 219. In particular, Chaddha

states:

Note that since VCR buttons are under the interactive control of viewer 249, activation points in the time line cannot be predicted in advance, so **no annotation stream is used**.

(Chaddha, col. 9, line 65 to col. 10, line 1)(emphasis added)

As such, any command function specified by the VCR like controls is not specified by the annotation stream. Moreover, the annotation stream is not used when the VCR functions are invoked.

In contrast, claim 1 recites "performing an interactive command function **specified by the associated data stream**." (emphasis added). Nothing in Chaddha discloses the above noted claim 1 limitation and, therefore, applicants submit that claim 1 is patentable over Chaddha.

Given that claims 3-8 depend from claim 1, applicants submit that claims 3-8 are also patentable over the cited reference.

Claims 9-10, 12-15, 17-20 have been rejected under 35 U.S.C. §102(e) as being anticipated by Chaddha. Applicants submit that claim 9 is patentable over the cited reference.

Claim 9 recites:

> A method for creating a display in a computer system, comprising:
> receiving a video stream and a data stream synchronized to the video stream, **the data stream specifying at least one graphical command**;
> generating a video scene defined by the data stream onto a portion of a display screen of the computer system;
> **performing a graphical operation on the computer screen defined by the command.**

(emphasis added).

Chaddha discloses a technique for providing a video stream together with an annotation stream. The annotation streams include annotation frames that provide either pointers to the events of interest or include displayable data embedded within the

annotation stream. (Chaddha, col. 2, lines 20-50). As such, the annotation stream does not perform any graphical operations on the computer screen. The annotation stream of Chaddha merely provides data such as ticker tape data and URL addresses that are displayed on the screen. (Chaddha, col. 2, lines 50-57). The annotation stream does not include graphical commands. Furthermore, the customized LiveScreen display 600 of Figure 6 having the VCR-like controls referred to by the Office Action is not defined by any data, let alone commands, in the annotation stream. Rather, a designer 219 **uses an author module 318 to compose the LiveScreen display format that defines the layout of LiveScreen display 245**. (Chaddha, col. 6, lines 22-30).

In contrast, claim 9 includes the limitation of performing a graphical operation on a computer screen defined by a command, where the graphical command is specified in a data stream. Therefore, applicants submit that claim 9 is patentable over Chaddha.

Given that claims 10, 12-15 and 17-20 depend from claim 9, applicants submit that claims 10, 12-15 and 17-20 are also patentable over the cited reference.

Claims 47-57 have been rejected under 35 U.S.C. §102(e) as being anticipated by Chaddha. Applicants submit that claim 47 is patentable over the cited reference.

Claim 47 recites:

> A data modem, comprising:
>> a data selector to receive digital data and extract a video data stream and an associated data stream from the digital data, **the video data stream being coded in a series of video scan intervals of the digital data and the associated data stream being coded in a series of nonvideo scan intervals of the digital data;**
>> a video queue coupled to the data selector, the video queue to receive the video data stream and assemble corresponding video packets; and
>> an associated data queue coupled to the data selector to receive the associated data stream and assemble corresponding associated data packets, the associate data packets to specify at least one graphical command, the graphical command comprising a command that specifies a set of parameters to configure a video display based on the video packets.

(emphasis added)

The Office Action states:

> Regarding claims 47, 48, 51, and 68-71, Chaddha discloses in figures 9 and 10A, a computer 240 which receives both a video stream and an annotation stream associated with the video, a video images is displayed on a display device 104 and associated web content is retrieved for display with the audio/video, the data is resembled and decoded by decoder 964 and renderer 965 (column 7, line 15-column 9, line 30), VCR like control buttons 620 and a table of contents window 630, which are selectable and change the display of the video and associated content (column 6, lines 22-34), a producer utilizes a workstation and HTML to create a Livescreen display for viewing at the user's computer (column 6, lines 22-34), a POTS modem, ISDN or Ethernet may connect a client computer 240 to a server 220 (column 6, line 1-5), additionally Chaddha discloses that microprocessor 116 controls the computer 100 and controls the reception and manipulation of input data and supplies the data to be output on display devices (column 4, lines 10-32).

(Office Action, 7/16/03, p. 4)(emphasis added)

Applicants respectfully submit that the Office Action has overlooked a limitation and wish to draw the Examiner's attention to the above highlighted limitation of claim 47. Applicants submit that nothing in Chaddha discloses such a limitation. Applicants believe the Examiner to be in agreement on this point. In particular, on pages 9-10 of the Office Action, the Examiner states "Chaddha does not disclose video stream coded in video scan intervals and the data stream being coded in non-video scan intervals." Therefore, applicants respectfully request that the rejection with respect to claim 47 be withdrawn.

Given that claims 48-50 depend from claim 47, applicants submit that claims 48-50 are also patentable over the cited reference.

For reasons similar to those given above with respect to claim 47, applicants submit that claims 51-57 are also patentable over the cited reference.

Claim 68 has been rejected under 35 U.S.C. §102(e) as being anticipated by

Chaddha. Applicants submit that claim 68 is patentable over the cited reference.

Claim 68 recites:

> A computer system, comprising:
>> a data modem to receive a video data stream and an associated data stream corresponding to the video data stream;
>> a display device to display a video image defined by the video data stream; and
>> a processor to **perform an interactive command function specified by the associated data stream**, wherein the interactive command function comprises a command that specifies a set of parameters that controls the configuration of the video image including determining an area on a display surface of the display device for placement of a graphical object that corresponds to the video image.

(emphasis added)

Applicants disagree with the Office Action's characterization of Chaddha.

Applicants respectfully submit that the VCR functions are not provided for by the

annotation stream as purported by the Office Action. Rather, the VCR functions are

provided for by a viewer 249 that is generated by a designer 219. In particular, Chaddha

states:

> Note that since VCR buttons are under the interactive control of viewer 249, activation points in the time line cannot be predicted in advance, so **no annotation stream is used**.

(Chaddha, col. 9, line 65 to col. 10, line 1)(emphasis added)

As such, any command function specified by the VCR like controls is not specified by the

annotation stream. Moreover, the annotation stream is not used when the VCR functions

are invoked.

In contrast, claim 68 recites "a processor to **perform an interactive command**

function specified by the associated data stream." Therefore, applicants submit that

claim 68 is patentable over the cited reference.

Claim 69 has been rejected under 35 U.S.C. §102(e) as being anticipated by

Chaddha. Applicants submit that claim 69 is patentable over the cited reference.

Claim 69 recites:

> A computer system, comprising:
> a data modem to receive a video stream and a data stream synchronized to the video stream, wherein the data stream specifies a graphical object for display on a display screen, **the data stream specifying at least one graphical command**;
> a processor to **generate a video scene defined by the data stream** onto a portion of the display screen of the computer system; and
> a display subsystem to perform a graphical operation on the display screen defined by the graphical command, wherein the graphical command controls the configuration of the video scene.

(emphasis added)

Applicants disagree with the Office Action's characterization of Chaddha.

Applicants respectfully submit that the VCR functions are not provided for by the

annotation stream as purported by the Office Action. Rather, the VCR functions are

provided for by a viewer 249 that is generated by a designer 219. In particular, Chaddha

states:

> Note that since VCR buttons are under the interactive control of viewer 249, activation points in the time line cannot be predicted in advance, so **no annotation stream is used**.

(Chaddha, col. 9, line 65 to col. 10, line 1)(emphasis added)

As such, any command function specified by the VCR like controls is not specified by the

annotation stream. Moreover, the annotation stream is not used when the VCR functions

are invoked.

In contrast, claim 69 recites "the data stream specifying at least one graphical

command [and] a processor to **generate a video scene defined by the data stream**."

Therefore, applicants submit that claim 69 is patentable over the cited reference.

For reasons similar to those given above with respect to claim 69, applicants

submit that claims 70-72 are patentable over the cited reference.

Claims 73-89 have been rejected under 35 U.S.C. §102(e) as being anticipated by Chaddha. The Office Action states:

> Regarding claims 72-89, Chaddha discloses in figures 9 and 10A, a computer 240 which receives both a video stream and an annotation stream associated with the video, a video images is displayed on a display device 104 and associated web content is retrieved for display with the audio/video, the data is resembled and decoded by decoder 964 and renderer 965 (column 7, line 15-column 9, line 30), VCR like control buttons 620 and a table of contents window 630, which are selectable and change the display of the video and associated content (column 6, lines 22-34), **a producer** utilizes a workstation and HTML to create a Livescreen display for viewing at the user's computer (column 6, lines 22-34), a POTS modem, ISDN or Ethernet may connect a client computer 240 to a server 220 (column 6, line 1-5), additionally Chaddha discloses that microprocessor 116 controls the computer 100 and controls the reception and manipulation of input data and supplies the data to be output on display devices (column 4, lines 10-32). Chaddha **inherently** specifies a color palate, location of objects on the screen, text and text attributes as Chaddha utilizes HTML to create the display screen.

(Office Action, 7/16/03, p. 6)(emphasis added)

First, applicants respectfully submit that Chaddha does not disclose that it uses HTML to create the display screen 245. Rather, a producer 215 is used to generate LiveScreen display 245 that **may include an HTML page** window 640. In addition, the Examiner is respectfully reminded that the fact that a certain characteristic may be present in a reference is <u>not</u> sufficient to establish the inherency of such. Inherency may not be established by probabilities or possibilities. (See MPEP 2112).

Moreover, the generation of the LiveScreen display 245 using producer 215 is **independent of the annotation stream**. As such, any command function specified by the VCR like controls is not specified by the annotation stream. Moreover, the annotation stream is not used when the VCR functions are invoked.

In contrast, claim 73 includes the limitation of "the modem to receive a command from the transmitter; and a processor to configure the display according to the command." Therefore, applicants submit that claim 73 is patentable over the cited reference.

For reasons similar to those given above with respect to claim 73, applicants submit that claims 74-83 and 90 are patentable over the cited reference.

For reasons similar to those given above with respect to claim 68, applicants submit that claims 84-89 are patentable over the cited reference.

Claim 16 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Chaddha. Claim 16 depends from and includes the above noted limitations of claim 9. Chaddha fails to teach or suggest the claim 9 limitation of performing a graphical operation on a computer screen defined by a command, where the graphical command is specified a data stream. Therefore, applicants submit that claim 16 is patentable over Chaddha.

Claims 58-61 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Chaddha in view of U.S. Patent No. 5,512,935 of Majeti ("Majeti"). In particular, the Office Action states:

> Regarding claims 58, 60, and 61 Chaddha discloses in figures 9 and 10A, a device 240 which receives both a video stream and an annotation stream associated with the video, a video images is displayed on a display device 104 and associated web content is retrieved for display with the audio/video, the data is resembled and decoded by decoder 964 and renderer 965 (column 7, line 15-column 9, line 30), VCR like control buttons 620 and a table of contents window 630, which are selectable and change the display of the video and associated content (column 6, lines 22-34), a producer utilizes a workstation and HTML to create a Livescreen display for viewing at the user's computer (column 6, lines 22-34), a POTS modem, ISDN or Ethernet may connect a client computer 240 to a server

220 (column 6, line 1-5). Chaddha does not disclose a computer coupled to the receiver. Majeti discloses in Figure 1, consumer premise equipment 20, in which pc 74 is coupled to STB 62 and CATV headend 30N. Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Chaddha to couple it to the receiver as taught by Majeti thus providing a high speed downlink to both devices for rapid delivery of content.

(Office Action, 7/16/03, p. 8)

Claim 58 recites:

An interactive video system, comprising:
a receiver; and
a computer coupled to the receiver, the computer comprising:
    a data modem to receive signals, the signals comprising a video data stream and an associated data stream synchronized to the video data stream, the associated data stream specifying at least one graphical command, **the video stream being coded in a series of video scan intervals of the signals and the data stream being coded in a series of nonvideo scan intervals** of the signals; and
    a display device coupled to the data modem, the associated data stream also specifying a graphical object for display on a portion of a display device, the display device to perform a graphical operation on the portion of the display device defined by the at least one graphical command.

(emphasis added)

Applicants respectfully submit that the Office Action has overlooked a limitation and wish to draw the Examiner's attention to the above highlighted limitation of claim 58 Applicants submit that nothing in Chaddha discloses such a limitation. Applicants believe the Examiner to be in agreement on this point. In particular, on pages 9-10 of the Office Action, the Examiner states "Chaddha does not disclose video stream coded in video scan intervals and the data stream being coded in non-video scan intervals." Moreover, Majeti fails to cure such a deficiency. As such, applicants respectfully that nothing in Chaddha in combination with Majeti teaches or suggest the video stream being coded in a series of video scan intervals of the signals and the data stream being coded in

a series of nonvideo scan intervals, as recited in claim 58. Therefore, applicants submit that claim 58 is patentable over the cited references.

Given that claims 59-61 depend from claim 58, applicants submit that claims 59-61 are also patentable over the cited reference.

Claims 62-67 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Chaddha in view of U.S. Patent No. 5,991,799 of Yen ("Yen"). Applicants submit that claim 62 is patentable over the cited references.

Claim 62 recites:

> A system, comprising:
> means for receiving a video stream and a data stream synchronized to the video stream, **the data stream specifying at least one graphical command**, the data stream also specifying a graphical object for display on a portion of a display screen, the video stream being coded in a series of video scan intervals of a video signal and the data stream being coded in a series of nonvideo scan intervals of the video signal;
> means for receiving an audio stream synchronized to the video stream and playing the audio stream through an audio subsystem of the computer system;
> means for **generating a video scene defined by the graphical object specified in the data stream** onto the portion of the display screen of the computer system; and
> means for performing a graphical operation on the portion of the display screen defined by the at least one graphical command.

(emphasis added)

The Office Action states:

> Regarding claims 2, 11, 62, 65, 66, 91, Chaddha discloses in figures 9 and 10A, a device 240 which receives both a video stream and an annotation stream associated with the video, a video images is displayed on a display device 104 and associated web content is retrieved fro display with the audio/video, the data is resembled and decoded by decoder 964 and renderer 965 (column 7, line 15-column 9, line 30), VCR like control buttons 620 and a table of contents window 630, which are selectable and change the display of the video and associated content (column 6, lines 22-34), a producer utilizes a workstation and HTML to create a Livescreen display for viewing at the user's computer (column 6, lines 22-34), a POTS modem, ISDN or Ethernet may connect a client computer 240 to a server

220 (column 6, line 1-5). Chaddha does not disclose a video stream coded in video scan intervals and the data stream being coded in the non-video scan intervals of the video signal. Yen discloses a video system, in which supplementary content is transmitted in the vertical blanking interval of broadcast video or in MPEG 2 video (column 4, line 34-column 5, line 53). Therefore it would have been obvious to one skilled in the art at the time of invention to modify Chaddha to transmit additional information within the VBI in order to provide supplementary content to a user without internet access.

(Office Action, 7/16/03, p. 9-10).

Chaddha discloses a producer 215 is used to generate LiveScreen display 245 that **may include an HTML page** window 640. Moreover, the generation of the LiveScreen display 245 using producer 215 is **independent of the annotation stream**. As such, any command function specified by the VCR like controls is not specified by the annotation stream. Moreover, the annotation stream is not used when the VCR functions are invoked.

In contrast, claim 62 recites "generating a video scene defined by the graphical object specified in the data stream." Applicants respectfully submit that nothing in either Chaddha or Yen teaches or suggests such a limitation.

Moreover, applicants respectfully submit that Chaddha cannot be combined in the manner purported by the Office Action. The Office Action states:

> Therefore it would have been obvious to one skilled in the art at the time of invention to modify Chaddha to transmit additional information within the VBI in order to provide supplementary content to a user without internet access.

Applicants submit that nothing in Chaddha teaches or suggests the use of a tuner capable of receiving television broadcast signals and thus does not teach the use of VBI. In contrast, Chaddha pertains to the receipt of video streams provide in an internet protocol format. As such, one of skill in the art facing the problems confronting the inventors of Chaddha would not be motivated to look to the teachings of Yen for solutions.

Moreover, such a combination would not render an operable device since there is no VBI in the internet protocol of Chaddha. Therefore, applicants submit that claim 62 is patentable over the cited references.

Given that claims 63-64 depend from claim 62, applicants submit that claims 63-64 are also patentable over the cited references.

For reasons similar to those given above with respect to claim 62, applicants submit that claims 65-67 are also patentable over the cited references.

In conclusion, applicants respectfully submit that in view of the arguments set forth herein, the applicable rejections have been overcome.

If the Examiner believes a telephone interview would expedite the prosecution of this application, the Examiner is invited to contact Daniel Ovanezian at (408) 720-8300.

If there are any additional charges, please charge our Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: 7/16, 2003

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